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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,415	10/15/2003	Eduard K. de Jong	SUN-P8726	7976

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GUNNISON MCKAY & HODGSON, LLP  
1900 GARDEN ROAD  
SUITE 220  
MONTEREY, CA 93940

EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/687,415

Applicant(s)

DE JONG, ÉDUARD K.

Examiner

David G. Cervetti

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 85-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-84 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/8/04; 4/13/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-84 are pending and have been examined. Claims 85-90 have been withdrawn from consideration.

#### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because: reference character "195" has been used to designate both "digital content producer" (page 5) and "authenticators" (page 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. **This is not intended to be a complete list of such informalities.**

#### *Specification*

4. The disclosure is objected to because of the following informalities: the reference to application numbers provided in pages 2-4 needs to be updated to reflect applications that have matured into patents. Appropriate correction is required.

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5. The disclosure is objected to because of the following informalities: "ATM" (page 23), "MD4", "MD5" (page 24), "CGI", "HTTP" (page 25). These terms have not been defined. Appropriate correction is required.

6. **This is not intended to be a complete list of such informalities.**

#### ***Claim Objections***

7. Claims 11, 16, 21, 32, 37, 42, 53, 58, 63, 74, 79, and 84 are objected to because of the following informalities: "HTTP" must be spelled out. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1-84 are rejected under 35 U.S.C. 102(e) as being anticipated by**

**Kontio et al. (US Patent Application Publication 2005/0004875, hereinafter Kontio).**

**Regarding claims 1, 22, 43, and 64, Kontio teaches**

- a memory for storing one or more rights lockers that describe digital content access rights; and a processor configured to **(pars. 29-34):**
- receiving a rights locker enrollment request from a user device associated with a user, said rights locker enrollment request comprising

a digital content request and enrollment authentication data (**pars. 35-37**);

- determining whether said user is authorized, said determining comprising determining the rights of said user to access said rights locker and the rights of said user to digital content specified by said digital content request (**pars. 35-37**); and
- if said user is authorized, initializing said rights locker with rights to said digital content (**pars. 36-39**);
- if a first token used to create said authenticated rights locker access request has been fully redeemed, obtaining a new token that authenticates future access to a rights locker corresponding to said digital content (**pars. 40-42**);
- creating an authenticated rights locker access request based at least in part on said new token (**pars. 40-42**); and
- sending said authenticated rights locker access request (**pars. 40-42**).

**Regarding claims 12, 33, 54, and 75, Kontio teaches**

- a memory for storing one or more rights lockers that describe digital content access rights; and a processor configured to (**pars. 29-34**);
- receiving a first authenticated rights locker access request and a digital content specification (**pars. 40-42**);
- validating said first authenticated rights locker access request (**pars. 43-45**);

- if said validating indicates said first authenticated rights locker access request is valid, creating an authenticated digital content request for use in accessing digital content stored by a digital content repository (**pars. 43-45**);
- if a first token used to create said authenticated rights locker access request has been fully redeemed, obtaining a new token that authenticates future access to a rights locker corresponding to said digital content (**pars. 40-42**);
- creating a new authenticated rights locker access request based at least in part on said new token (**pars. 40-42**); and
- sending said authenticated digital content request and said new authenticated rights locker access request (**pars. 40-45**).

**Regarding claims 17, 38, and 59, Kontio teaches**

- a memory for storing one or more rights lockers that describe digital content access rights; and a processor configured to (**pars. 29-34**);
- receiving a first authenticated rights locker access request and a digital content specification (**pars. 35-39**);
- validating said first authenticated rights locker access request (**pars. 43-45**);
- if said validating indicates said first authenticated rights locker access request is valid, creating an authenticated digital content request for use

in accessing digital content stored by a digital content repository (**pars. 43-45**);

- sending said authenticated digital content request to a digital content repository (**pars. 40-42**);
- if a first token used to create said authenticated rights locker access request has been fully redeemed, obtaining a new token that authenticates future access to a rights locker corresponding to said digital content (**pars. 40-42**);
- creating a new authenticated rights locker access request based at least in part on said new token (**pars. 40-42**); and
- sending said authenticated digital content request and said new authenticated rights locker access request (**pars. 40-45**).

**Regarding claims 2, 23, 44, and 65**, Kontio teaches wherein said digital content request comprises a request for initializing said rights locker with rights to specified digital content (**pars. 40-42, 46-47**).

**Regarding claims 3, 24, 45, and 66**, Kontio teaches wherein said enrollment authentication data comprises: rights locker access authentication data for determining what rights, if any, said user has to access said rights locker; and rights content access authentication data for determining what rights, if any, said user has to digital content associated with said rights locker (**pars. 88-94, 152-157**).

**Regarding claims 4, 25, 46, and 67,** Kontio teaches wherein said rights locker access authentication data comprises payment for use of a rights locker service (**pars. 88-94, 152-157**).

**Regarding claims 5, 26, 47, and 68,** Kontio teaches wherein said rights content access authentication data comprises payment for rights deposited in said rights locker (**pars. 88-94, 152-157**).

**Regarding claims 6, 27, 48, and 69,** Kontio teaches wherein said enrollment authentication data comprises a reenrollment key determined in a previous enrollment request for said rights locker, said reenrollment key for supplementing or replacing enrollment authentication data of said previous enrollment request (**pars. 47-49, 88-94, 152-157**).

**Regarding claims 7, 28, 49, and 70,** Kontio teaches wherein said determining comprises determining whether said user is entitled to become an enrolled user based at least in part on whether payment for use of the rights locker service succeeds (**pars. 88-94, 152-157**).

**Regarding claims 8, 29, 50, and 71,** Kontio teaches wherein said determining comprises determining whether an enrolled user is entitled to populate said rights locker with rights to said digital content based at least in part on whether payment for said rights succeeds (**pars. 88-94, 152-157**).

**Regarding claims 11, 32, 53, and 74,** Kontio teaches wherein said sending further comprises encapsulating said authenticated rights locker access request in an HTTP Response message before said sending (**pars. 78-85**).



**Regarding claims 13, 18, 34, 39, 55, 60, 76, and 81**, Kontio teaches wherein said receiving further comprises receiving one or more delivery parameters, said one or more delivery parameters indicating where said digital content should be sent, a delivery mechanism, or both (**pars. 95-100**).

**Regarding claims 9, 14, 19, 30, 35, 40, 51, 56, 61, 72, 77, and 82**, Kontio teaches wherein said new token is for storage in a bookmark on a user device (**pars. 33-36**).

**Regarding claims 10, 15, 20, 31, 36, 41, 52, 57, 62, 73, 78, and 83**, Kontio teaches embedding said authenticated rights locker access request in a Web cookie before said sending (**pars. 33-36**).

**Regarding claims 16, 21, 37, 42, 58, 63, 79, and 84**, Kontio teaches encapsulating said authenticated rights locker access request in an HTTP Response message before said sending (**pars. 78-85**).

**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David García Cervetti/

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
7/8/07